

### **Remarks**

Claims 1-15 are currently pending in the patent application. For the reasons and arguments set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

In the non-final Office Action dated March 21, 2008, the following rejection is present: claims 13 and 15 stand rejected under U.S.C. § 112(2); claims 1 and 9 stand rejected under U.S.C. § 102(b) over the Chen reference (US Patent No. 6,261,905); and claims 12-15 stand rejected under U.S.C. § 102(b) over the Sandhu reference (US Patent No. 6,614,072) in view of the Watanabe reference (US Patent No. 5,889,304). The Specification is objected to due to informalities, and claims 2-8 and 10-11 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form.

Applicant has amended the Specification and cancelled claim 13, with a related amendment to the dependency of claim 15, and thereby overcoming the Specification and § 112(2) objections.

Applicant has amended claim 12 as suggested at page 6 of the Office Action to further prosecution. However, Applicant disagrees with the rejections under paragraph 5 at page 4 because use of two references for the rejections indicates lack of correspondence and because no evidence of motivation is provided.

Claims 2-11 should be allowable in view of the amendments made thereto (claim 9 is dependent on allowable claim 2).

The § 102(b) rejection over the '905 reference should be now overcome with the amendment to claim 1 which includes formation of spacers. The '905 reference does not teach or suggest such spacers.

New claims 16-19 should be allowable over the cited references for at least the reasons presented above.

In view of the remarks above, Applicant believes that each of the rejections/objections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

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